

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 28, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B126807 People v. Meneses
B128525 People v. Branch
B129490 People v. Taylor, Todd
B129865 People v. Holloway
B130381 People v. Davidson
B130547 People v. Clarke
B130755 People v. Laney et al.
B130780 People v. Julian
B130809 People v. Rodriguez
B131003 People v. Rayford
B131216 People v. Taylor, Elbert
B131502 People v. Roberts
B131629 People v. Patterson
B131835 People v. Egglestron
B131987 People v. Turner
B132546 People v. Parker
B132767 People v. McLaurin
B132967 People v. Acosta
B133294 People v. Arnold
B133321 People v. Quintero
B136420 People v. John L.
B137686 Thomas F. v. S.C.L.A. (D.C.F.S.)
B137734 Yvonne G. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B127094 Baumstark

v.

International House of Pancakes Inc., et al.

Appearances:

Karen Rooney for respondents appeared and waived argument. No appearance for appellant. Cause submitted.

B131524 People

v.

Cabrare

Merits:

Argued by Rachel Housman for appellant and by Herbert S. Tetef, deputy attorney general, for respondent. Cause submitted.

B130086 Manhole Adjusting, Inc., et al.

v.

Edgington Oil Company

Merits:

Argued by Philip C. Putnam for appellants and by Peter C. Leonard for respondent. Cause submitted.

B131611 People

v.

Odell

Merits:

Argued by Sheila Tuller Keiter for appellant and by Jennevee DeGuzman, deputy attorney general, for respondent.

DIVISION ONE (Continued)

B131806 Fairchild et al.
v.
Parks

Merits:
Argued by Marc J. Poster for appellant and by William R. Lutz for respondents. Cause submitted.

B130071 People
v.
Stevenson

Merits:
Argued by Janice M. Deaton for appellant and by Stephanie A. Miyoshi, deputy attorney general, for respondent. Cause submitted.

B130650 Ortega et al.
v.
TIG Insurance Company

Merits:
Argued by Kendall Caudry for appellants and by James G. Boedecker for respondent. Cause submitted.

B133655 Los Angeles County, D.C.F.S.
v.
Christopher B.

Merits:
Argued by Joseph T. Tavano for appellant and by Gary Gross, deputy county counsel, for respondent. Cause submitted.

DIVISION ONE (Continued)

B132213 People
 v.
 Jaramillo

Appearances:

No appearance for appellant and respondent having waived oral argument.
Cause submitted.

B128571 People
 v.
 Alwaili

Merits:

Argued by Ralph J. Novotney, Jr. for appellant and by Lisa J. Brault,
deputy attorney general, for respondent. Cause submitted.

B127309 People
 v.
 Walker

Merits:

Argued by Gerson Simon for appellant and by Thomas C. Hsieh, deputy
attorney general, for respondent. Cause submitted.

B128637 Salazar
 v.
 National Newsvending Equipment Co.

Merits:

Argued by Jo Ann McDole for appellant and by Gina E. Och for
respondent. Cause submitted.

DIVISION ONE (Continued)

B131276 Lynch
 v.
 City of Hawaiian Gardens

Merits:
Argued by Kevin S. Reed for appellant and by Arthur J. Hazarabedian for respondent. Cause submitted.

B123947 People
 v.
 Nol et al.

Merits:
Argued by Andrew Reed Flier for appellant Garcia and by Jason C. Tran, deputy attorney general, for respondent. Cause submitted.

B131324 People
 v.
 Vann

Merits:
Argued by Marta I. Stanton for appellant and by David A. Voet, deputy attorney general, for respondent. Cause submitted.

B131746 Rafizadeh
 v.
 Caplan et al.

Merits:
Argued by Herman S. Palarz for appellants and by Jeffrey Lipow for respondent. Cause submitted.

DIVISION ONE (Continued)

B133022 McDonald

v.

State Board of Control et al.

Merits:

Argued by Michael McDonald appellant in propria persona and by Karen S. Darling for respondent. Cause submitted.

B129050 Westmoland

v.

Hamdon Entertainment

Appearances:

Sharon S. Mequet for respondent. Michael K. Newlee waived argument for appellant. Cause submitted.

B131895 People

v.

Torres

Merits:

Argued by Barbara Michel for appellant and by Lori Mars, deputy attorney general, for respondent. Cause submitted.

B127918 People

v.

Salazar et al.

Merits:

Argued by Jerome P. Wallingford for appellant Deherrera and by Sharlene A. Honnaka, deputy attorney general, for respondent. There being no appearance by counsel for appellant Hiriarte and appellant Salazar having waived argument. Cause submitted.

DIVISION ONE (Continued)

B129043 Fox
 v.
 Gold

Merits:

Argued by Howard Rutten for appellant and by Burton Mark Senkfor for respondent. Cause submitted.

B129429 Sonnenblick
 v.
 Southern California Pension Trust Plan et al.

Merits:

Argued by Blaine Greenberg for appellant and by Steven B. Katz for respondents. Cause submitted.

Ortega, J. leaves the bench.

B135863 California Medical Association et al.
 v.
 The Regents of the University of California et al.

Merits:

Argued by Jerome B. Falk, Jr. for appellants and by Arthur R. Chenen for respondents. Cause submitted.

B133600 Nippon Medical Clinic et al.
 v.
 The Regents of the University of California et al.

Merits:

Argued by Robert W. Cohen for appellants and by Jerome B. Falk, Jr. for respondents. Cause submitted.

DIVISION ONE (Continued)

B128701 City of Orange et al.
B130909 v.
First Savings Bank of Hegewisch et al.

Merits:

Argued by Don Howarth for appellants, by Thomas J. Weiss for respondents First Savings Bank et al., by Peter W. Cavette for respondents California Field Ironworker et al., by Edwin W. Duncan for respondents Investment Trust of Colorado, by Miriam E. Brewster for respondents San Diego Co. Retirement et al. and by James M. Harris for respondents Dallas County et al. Cause submitted.

B122340 People Power et al.
v.
Pacifica Management Consultants Inc., et al.
Charles Van Fossom

Merits:

Argued by Kimberly J. Laliberte for appellants and by Charles E. Ruben for respondents Pacifica Management Consultants, Inc., et al. Cause submitted.

B136531 Guess? Inc.
v.
Superior Court, Los Angeles County
(Kirkland et al., r.p.i.)

Merits:

Argued by Daniel M. Petrocelli for petitioner and by Gary S. Lincenberg for real parties in interest. Cause submitted.

Court adjourned.

March 28, 2000-Continued

DIVISION TWO

B126939 Harding (Not for Publication)
v.
County for Los Angeles

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B133957 People (Not for Publication)
v.
Marquay W.

The finding as to count 2 is ordered reduced to simple assault. The matter is remanded for the juvenile court to exercise its discretion to impose a new sentence on that count, with the caveat that any sentence must be stayed. In all other respects, the adjudication is affirmed.

Nott, J.

We concur: Boren, P.J.
 Nott, J.

B130310 People (Not for Publication)
v.
Scott

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

DIVISION THREE

B131688 Randy Grimsley et al. (Not for Publication)
 v.
 Sedrak Ananyan et al.

The order from which Ananyan has appealed is reversed and the trial court is directed to vacate the judgment. The cause is remanded for further proceedings, consistent with the views expressed herein, as to (1) the amount of compensatory damages to be awarded to the Grimsleys for the reasonable daily rental value of the subject vehicle, (2) the amount of interest to be awarded to them, and (3) the amount of punitive damages to be awarded to them. All parties to bear their own costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Schneider, J. (Assigned)

DIVISION FOUR

B129929 People (Not for Publication)
 v.
 Wilson

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Berle, J. (Assigned)

B130031 People (Not for Publication)
 v.
 Christopher D.

The order is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

DIVISION FOUR (Continued)

B131943 Los Angeles County, D.C.F.S. (Not for Publication)
v.
William F.

The orders of the juvenile court are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Berle, J. (Assigned)

B125674 People (Not for Publication)
v.
Holden

The judgment is modified by striking the two 1-year prior prison term imposed with respect to LASC case Nos. A920214 and TA012036, and, as modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment accordingly.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Berle, J. (Assigned)

B129956 USAUTOPAWN, INC. (Not for Publication)
v.
Kurian

The order of dismissal is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

March 28, 2000-Continued

DIVISION FOUR (Continued)

B128971 Ella M. McClatcher, as Administrators (Not for Publication)
v.
Penn

The orders are affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B130552 Markowitz (Not for Publication)
v.
Coast Federal Bank et al.

The judgment (order of dismissal) is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B129587 Mendo (Not for Publication)
v.
County of Los Angeles

The August 19, 1998, order is modified to include an order of dismissal and, as so modified, is reversed with direction that the trial court proceed in accord with the views expressed herein. Appellant to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Curry, J.
Berle, J. (Assigned)

DIVISION FOUR (Continued)

B130799 Stephen S. Bailey et al. (Certified for Publication)
v.
Reliance Insurance Company

The trial court's order is reversed. Appellants are to recover their costs on appeal.

Curry, J.

We concur: Hastings, Acting P.J.
 Berle, J. (Assigned)

B121572 Mark A. Mourkos et al. (Not for Publication)
v.
Steven Erenberg et al.

The judgment and the award of attorneys' fees to Cummings and Hovieler is reversed. The judgment in favor of Karns is reversed in part and affirmed in part. The court is instructed to enter judgment in the amount of \$22,000 in favor of the Mourkoses on their breach of contract claim against Karns. The Mourkoses are to have their costs on appeal.

The award of attorneys' fees to the Erenbergs is affirmed. The Erenbergs are to have their costs on appeal.

The judgment in favor of Grommon is affirmed. Since Grommon did not make an appearance in these proceedings, no appellate costs will be awarded to him.

Curry, J.

We concur: Epstein, Acting P.J.
 Berle, J. (Assigned)

B130555 Aloha Pacific Inc.
v.
California Insurance Guarantee Association

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FIVE

B130613 Jonathan Vo (Certified for Publication)
 v.
 Las Virgenes Municipal Water District

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

B131589 Edward Walsh (Not for Publication)
 v.
 Southern California Edison Company

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B129664 People (Not for Publication)
 v.
 Victor Perez

The order imposing sentence is vacated, and the matter is remanded to the trial court for resentencing. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J. (Opinion)
 Godoy Perez, J.

March 28, 2000-Continued

DIVISION FIVE (Continued)

B134820 People (Not for Publication)
v.
Linda Masloski

The judgment is reversed.

Armstrong, J.

I concur: Godoy Perez, J.
I dissent: Grignon, Acting P.J. (Opinion)

DIVISION SEVEN

B120256 Mercury Insurance Company (Not for Publication)
v.
Enterprise Rent-A-Car Company of Los Angeles, et al.

The judgments are affirmed. Respondents to recover costs on appeal.

Woods, J.

I concur: Neal, J.
I dissent: Johnson, Acting P.J. (Opinion)

B125050 Einhorn (Not for Publication)
v.
Safe In Heaven Road

The order granting a new trial is affirmed and the matter is remanded to the trial court for further proceedings. The cross-appeal is dismissed. Respondent and cross-appellant is entitled to costs incurred in connection with the appeal and cross-appeal.

Woods, J.

I concur: Lillie, P.J.
I concur: Johnson, J. (Opinion)

March 28, 2000-Continued

DIVISION SEVEN (Continued)

B128529 Kalski

v.

California Association of Professional Employees et al.

Filed order denying petition for rehearing.